

Richard W. Osman, State Bar No. 167993  
Sheila D. Crawford, State Bar No. 278292  
BERTRAND, FOX, ELLIOT, OSMAN & WENZEL  
2749 Hyde Street  
San Francisco, California 94109  
Telephone: (415) 353-0999  
Facsimile: (415) 353-0990  
Email: [rosman@bfesf.com](mailto:rosman@bfesf.com)  
[scrawford@bfesf.com](mailto:scrawford@bfesf.com)

Attorneys for Defendants  
CITY OF VACAVILLE, JULIE BAILEY,  
CHUCK BAILEY, DUSTIN WILLIS,  
and DAVE SPENCER

Fulvio F. Cajina, State Bar No. 289126  
LAW OFFICE OF FULVIO F. CAJINA  
528 Grand Avenue  
Oakland, CA 94610  
Telephone: (415) 601-0779  
Facsimile: (510) 225-2636  
Email: [fulvio@cajinalaw.com](mailto:fulvio@cajinalaw.com)

Stanley Goff, State Bar No. 289564  
LAW OFFICE OF STANLEY GOFF  
15 Boardman Place Suite 2  
San Francisco, CA 94103  
Telephone: (415) 571-9570  
Email: [scraiggoft@aol.com](mailto:scraiggoft@aol.com)

Attorneys for Plaintiffs  
CARMEL GARCIA, M.Y. AND L.Y., minors  
by and through their guardian ad litem  
VANESSA RUIZ; L.Y., a minor by and  
through his guardian ad litem FRANCISCA  
URIOSTEGUI

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARMEL GARCIA, an individual; M.Y. AND  
L.Y., minors by and through their guardian ad  
litem VANESSA RUIZ; L.Y., a minor by and  
through his guardian ad litem FRANCISCA  
URIOSTEGUI,

Plaintiff,

v.

YUBA COUNTY SHERIFF'S  
DEPARTMENT; YUBA COUNTY  
SHERIFF'S DEPUTIES DOES 1-5; CITY OF  
VACAVILLE; and VACAVILLE POLICE  
OFFICER DOES 6-10;

Defendants.

Case No. 2:19-cv-02621-KJM-DB

**SEVENTH STIPULATED REQUEST TO  
CONTINUE PRE-TRIAL DEADLINES; ORDER**

**Judge: Kimberly J. Mueller**

1 WHEREAS, Plaintiffs CARMEL GARCIA, M.Y. AND L.Y., minors by and through their  
2 guardian ad litem VANESSA RUIZ; L.Y., a minor by and through his guardian ad litem FRANCISCA  
3 URIOSTEGUI, (“Plaintiffs”) initiated this case on March 11, 2020 (Dkt. No. 1.1);

4 WHEREAS, Plaintiffs named the CITY OF VACAVILLE, JULIE BAILEY, CHUCK BAILEY,  
5 DUSTIN WILLIS, and DAVE SPENCER as Defendants (collectively, “Defendants”);

6 WHEREAS, on July 21, 2022, the Parties filed a sixth stipulation to continue the fact discovery  
7 deadline to provide time to take Plaintiff’s M.Y. and L.Y.’s depositions due to Plaintiff’s counsel being  
8 called to trial in Los Angeles Superior Court, Case Number BC663663;

9 WHEREAS, on August 15, 2022, the Court issued an order granting the Parties’ stipulated  
10 request to continue fact discovery to August 26, 2022 (Dkt. No. 65);

11 WHEREAS, the Parties have worked diligently to complete discovery by the deadline of August  
12 26, 2022 and have completed the depositions of Plaintiffs M.Y. and L.Y.;

13 WHEREAS, Defense counsel has been diligently trying to locate two critical witnesses to the  
14 incident, (1) Joseph Sturgeon, decedent’s brother; and (2) Jason Hays, decedent’s friend/co-worker, in  
15 order to serve them with deposition subpoenas. Defense counsel recently was able to locate Mr.  
16 Sturgeon after Plaintiffs M.Y. and L.Y. testified about their frequent visits with Mr. Sturgeon in Yuba  
17 City, California;

18 WHEREAS, on August 17, 2022, Defense counsel’s process server was able to locate and serve  
19 Mr. Sturgeon with a deposition subpoena. Per the subpoena, the deposition was scheduled for August 26,  
20 2022, i.e. the last day for fact discovery;

21 WHEREAS, on August 22, 2022, Defense counsel contacted Plaintiffs’ counsel and inquired  
22 whether they were available on August 26, 2022 for Mr. Sturgeon’s deposition, but Plaintiffs’ counsel  
23 was not available on that date;

24 WHEREAS, counsel for the Parties met and conferred and agreed to submit the instant stipulated  
25 request to continue fact discovery from August 26, 2022 to September 16, 2022 to provide the Parties  
26 with sufficient time to complete the deposition of Mr. Sturgeon;

27 WHEREAS, on August 25, 2022, Plaintiffs’ counsel served discovery responses on behalf of  
28 Plaintiff L.Y. and on August 25, 2022, Defense counsel sent a meet and confer letter to Plaintiffs’

counsel regarding the inadequate discovery responses. The Parties therefore require additional time to meet and confer regarding the discovery responses;

WHEREAS, considering the additional time required to complete the above discovery, counsel for the Parties further met and conferred and agreed to a short continuance of the remaining pretrial dates to provide time for the Parties to prepare dispositive motion(s) and complete expert discovery;

WHEREAS, this stipulation is not made for any improper purpose and will not prejudice any Party; and

WHEREAS, the requested modifications will not otherwise impact the trial date for the case as none has been set.

### **STIPULATION**

NOW, THEREFORE, Plaintiffs and Defendants stipulate and request the court continue presently set pre-trial dates as follows:

<b>Event</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Discovery Cutoff	August 26, 2022	September 16, 2022
All Dispositive Motions Hearing Date	October 21, 2022	November 4, 2022
Expert Disclosures	October 31, 2022	November 14, 2022
Supplemental Experts	November 14, 2022	November 28, 2022
Completion of Expert Discovery	December 12, 2022	January 13, 2023

Dated: August 31, 2022

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

By: /s/ Richard W. Osman  
 Richard W. Osman  
 Sheila D. Crawford  
 Attorney for Defendants  
 CITY OF VACAVILLE, JULIE BAILEY,  
 CHUCK BAILEY, DUSTIN WILLIS, and DAVE  
 SPENCER

Dated: August 31, 2022

LAW OFFICES OF FULVIO F. CAJINA

By: /s/ Fulvio Cajina  
 Fulvio F. Cajina  
 Attorney for Plaintiffs  
 CARMEL GARCIA, M.Y. AND L.Y., minors by and  
 through their guardian ad litem VANESSA RUIZ;  
 L.Y., a minor by and through his guardian ad litem  
 FRANCISCA URIOSTEGUI

**ELECTRONIC CASE FILING ATTESTATION**

I, Richard W. Osman, hereby attest that I have on file all holograph signatures for any signatures indicated by a conformed signature (“/s/”) within this E-filed document or have been authorized by counsel to show their signature on this document as /s/.

Dated: August 31, 2022

By: /s/ Richard W. Osman

Richard W. Osman

**ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

The pre-trial deadlines are continued as follows:

Event	Current Deadline	Proposed Deadline
Discovery Cutoff	August 26, 2022	September 16, 2022
All Dispositive Motions Hearing Date	October 21, 2022	November 4, 2022
Expert Disclosures	October 31, 2022	November 14, 2022
Supplemental Experts	November 14, 2022	November 28, 2022
Completion of Expert Discovery	December 12, 2022	January 13, 2023

DATED: September 6, 2022.

  
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CHIEF UNITED STATES DISTRICT JUDGE